

Monday, December 5, 2022

6:30 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The public is strongly encouraged to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/88228157855>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 882 2815 7855

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
 - a. This is an opportunity for members of the public to address the Public Safety Committee. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the Committee may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the Committee for their consideration. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to public.safety@mcfarland.wi.us to be included as part of the meeting.
3. APPROVAL OF MINUTES.
 - a. Motion to approve the minutes of the 9/7/22 meeting.
4. BUSINESS.
 - a. Discussion and recommendation on a Tourist Rooming House Permit application for Shaun O'Hearn of 6131 Exchange LLC, for the property at 6131 Exchange St for the period ending June 30, 2023.
 - b. Discussion and recommendation on Ordinance 2022-12: An Ordinance amending the Municipal Code concerning provisional retail alcohol beverage licenses and the approval process of alcohol license renewals.
5. SCHEDULE NEXT MEETING DATE.
 - a. Thursday, January 5, 2023 at 6:30 p.m. (NEW PROPOSED DATE AND TIME)
6. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

VILLAGE OF MCFARLAND
Public Safety Committee Minutes
Wednesday, September 7, 2022 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

Chairperson Edward Wreh called the regular meeting of the Public Safety Committee to order at 6:30 PM in the Community Room.

Members present: Edward Wreh, Rich Staley, Hilary Brandt, Sandy Bakk, Dottie Olson

Members not present: Shannon Morrison

Staff Present: Chief Aaron Chapin, Village Clerk Cassandra Suettinger, Village Administrator Matt Schuenke

2. PUBLIC APPEARANCES.

- a. *This is an opportunity for members of the public to address the Public Safety Committee. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the Committee may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the Committee for their consideration. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to public.safety@mcfarland.wi.us to be included as part of the meeting.*

There were no public appearances.

3. APPROVAL OF MINUTES.

- a. *Motion to approve the minutes of the 6/6/22 PSC meeting.*

Motion by Village Trustee Edward Wreh, seconded by Member Sandy Bakk, to approve the minutes of the 6/6/22 PSC meeting. Motion carries 5 - 0 - 0 by acclamation.

4. BUSINESS.

- a. *Discussion and recommendation on Ordinance 2022-11: An Ordinance amending the licensing process for direct sellers.*

Chairperson Edward Wreh introduced the agenda item. Village Clerk Cassandra Suettinger reviewed the changes to the ordinance, which includes what types of organizations are exempt from the requirements, and what types of background information must be considered. Police Chief Chapin spoke about fingerprinting and why it is not recommended anymore. The committee asked questions, which were addressed and clarified.

Motion by Village Trustee Edward Wreh, seconded by Village Trustee Hilary Brandt, to recommend approval to the Village Board on Ordinance 2022-11: An Ordinance amending the licensing process for direct sellers and solicitors. Motion carries 5 - 0 - 0 by acclamation.

- b. Discussion and recommendation on updates to the noise ordinance and standardizing noise requirements in the Village Code of Ordinances.

Chairperson Edward Wreh introduced the agenda item. Village Administrator Matthew Schuenke reviewed the changes to the ordinance to make the code more efficient, more consistent, and easier to use.

Motion by Village Trustee Edward Wreh, seconded by Village Trustee Hilary Brandt, to recommend approval to the Village Board the adoption of the changes preferred by the village attorney to the village ordinances surrounding noise. Motion carries 5 - 0 - 0 by acclamation.

5. SCHEDULE NEXT MEETING DATE.

- a. October 3, 2022 at 6:30 p.m.

The next meeting is October 3, 2022, at 6:30 p.m.

6. ADJOURNMENT.

Motion by Village Trustee Edward Wreh, second by Village Trustee Hilary Brandt, to adjourn at 7:21 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,
Tricia Reimer
Officer Manager

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Monday, December 5, 2022

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Deputy Administrator/Clerk, Chris Dennis,
Fire/Rescue Chief, Andrew Bremer, Comm & Eco Dev Director,
Aaron Chapin, Police Chief

AGENDA ITEM: Discussion and recommendation on a Tourist Rooming House Permit
application for Shaun O'Hearn of 6131 Exchange LLC, for the
property at 6131 Exchange St for the period ending June 30, 2023.

PREVIOUS ACTION:

ISSUE SUMMARY:

6131 Exchange LLC, with Shaun O'Hearn as Agent, has applied for a tourist rooming house permit for the property located at 6131 Exchange St. The application is complete and thus, as required by ordinance, has been forwarded on to the Public Safety Committee for review. All property owners within 300 feet were notified of the date and time of the meeting and noticed of their opportunity to provide input on the request at the Public Safety Committee meeting. The ordinance provides that if the PSC Committee determines that the application meets the requirements, it shall be forwarded to the Village Board for approval.

The Building Inspector and Fire Inspector have completed their inspection of the property which are attached to the application. Both inspections are complete with no violations or corrections required. All other minimum standards of the Village Ordinance regarding Tourist Rooming Houses have been verified.

FINANCIAL/BUDGET IMPACT:

Permitting and Room Tax Revenues

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

[Chapter 11 - Article XI - Tourist Rooming Houses](#)

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Staff recommends approval of the TRH application for 6131 Exchange LLC:

"Motion to recommend approval of an application from 6131 Exchange LLC for a tourist rooming house permit for the property located at 6131 Exchange St. for the period ending June 30, 2023."

ATTACHMENTS:



1. 6131 Exchange Street Tourist Rooming House Permit Application Submission_Redacted
2. MFR - Updated Compliance Inspection - 12.01.2022 - Redacted
3. BI - Updated Compliance Inspection - 12.01.2022_Redacted



Tourist Rooming House Permit Application

Pursuant to Village Ordinance Chapter 11

New or Renewal	New Application
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Property Information

Tourist Rooming House Physical Address	6131 Exchange Street
Name of Corporation, Limited Liability Company, Partnership, or Other Entity (if applicable)	6131 Exchange LLC
Property Owner Name	Shaun O'Hearn
Property Owner Address	
Property Owner Telephone Number	
Property Owner Email Address	

Resident Agent

A resident agent must be appointed in the following situations:

- The property is not your primary residence and you reside outside a 30 mile radius from the Tourist Rooming House
- You will be absent while the property is rented (An owner is considered absent if the owner cannot be contacted and be present at the Tourist Rooming House within 45 minutes.)

NOTICE: APPLICANT SHALL IMMEDIATELY NOTIFY THE VILLAGE CLERK OF ANY CHANGE IN RESIDENCE OR INFORMATION REGARDING THE RESIDENT AGENT

Will a Resident Agent be appointed?	No
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Application Fees

Application Fee (includes all required inspections) - \$500

Resident Agent Fee - \$50 (if applicable

Total application fees = \$500.00



Facility I formation

Provide the square footage of each room.

Bedrooms

Select the plus sign to add additional bedrooms.

i. **Bedroom Length**

13

Bedroom Width

10

Bedroom Total Square Footage

130 Square Feet

ii. **Bedroom Length**

9

Bedroom Width

8

Bedroom Total Square Footage

72 Square Feet

Dining Room

Dining Room Length 11

Dining Room Width 12

Dining Room Total Square Footage

Living Room

Living Room Length 14

Living Room Width 12

Living Room Total Square Footage

168 Square Feet

Family Room/Den (if applicable)

Family Room/Den Total Square Footage

Number of Full Bathrooms 1

Number of 3/4 Bathrooms 0

Number of 1/2 Bathrooms -2

Number of Parking Stalls 1

Not less than one and one-quarter onsite off-street parking spaces for every four occupants based upon maximum occupancy.



Nuisance Response Plan

The property owner or resident agent shall be responsible for promptly responding to or causing a prompt response to a nuisance complaint arising out of the occupancy or use of the short-term rental by tenants, their visitors or their guests. A return telephone call to a complainant within 45 minutes of the initial complaint shall be deemed prompt.

Proposed Maximum Number of Overnight Guests 6

Number of Off-street Parking Spaces Available for Guests in Driveway 2

Number of Off-street Parking Spaces Available for Guests in Garage 1

Number of Bedrooms Available 2

Describe the manner of responding to or causing a response to a nuisance complaint, including but not limited to the manner in which the complainant(s) will be notified of the response and the method of documenting prompt responses and timely corrective action.

Any and all bookings are handled through Airbnb. I have access to all contact details of the guests via phone, email or text and communicate with them regularly throughout their stay. All concerns will be relayed to them in a timely manner. If I am unable to reach them, a site visit will be made within the hour. I currently reside within 2mi of the TRH. The failure to follow house rules, leads to the immediate removal of the guests.

Describe the manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. This shall include, at a minimum, a telephone call to the primary adult occupant of the short-term vacation rental within 45 minutes of the initial nuisance complaint.

Any and all bookings are handled through Airbnb. I have access to all contact details of the guests via phone, email or text and communicate with them regularly throughout their stay. All concerns will be relayed to them in a timely manner. If I am unable to reach them, a site visit will be made within the hour. I currently reside within 2mi of the TRH.



Liability insurance must be a commercial general liability, or hotel or short-term rental policy that specifically covers liabilities arising from rental of the tourist rooming house for short-term rentals. No less than \$1,000,000 per occurrence.

Proof of Liability Insurance

File(s) attached:



_6131EXCHANGELLC_10_01_122 - WITH LOSS PAYABLE.pdf

Copy of Wisconsin Seller's Permit is not required for those who will be listing the tourist rooming house **exclusively** through a lodging marketplace. Copy of Wisconsin Seller's Permit is required for all other touring rooming houses. Please contact the Clerk if you have questions on this provision.

Will you be listing your tourist rooming house exclusively through a lodging marketplace?

Yes

A current Tourist Rooming House License issued by Public Health of Madison and Dane County (PHMDC), or other applicable entity, under Wis. Stats. § 97.605, or a copy of the completed application submitted for said license if the license has not been issued.

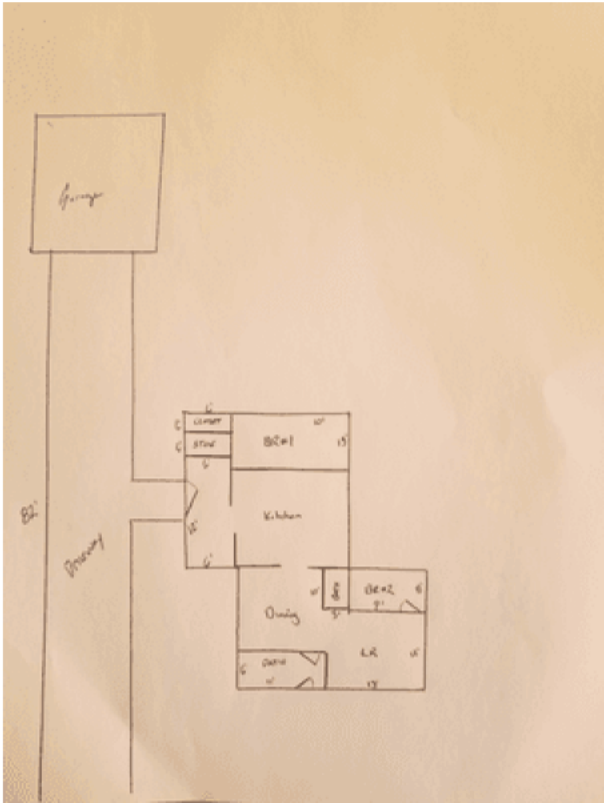
File(s) attached:



For more information about Tourist Rooming House Licenses from PHMDC, please visit the [PHMDC website](#).

Site Plan

File(s) attached:



A Site Plan must include location, number of units, number of people in each unit, dimensions of all rooms and common areas, laundry facilities, restroom facilities, and onsite parking dimensions.

To the Village of McFarland, Dane County, State of Wisconsin, that I the undersigned, understand that by applying for this Tourist Rooming House Permit, I am bound to all Village of McFarland Municipal Codes including Chapter 11 and any other codes or regulations that may apply. I also grant that an inspection of this property be conducted by the Village Building Inspector (or designee) and the Village Fire Inspector (or designee) prior to approval of this permit.

Certification Signature

File(s) attached:



Certification Date

11/07/2022



Tourist Room House Inspection

Per Village of McFarland Code of Ordinances

License Type:

☒ - New Application

☐ - Renewal Application

Section 1 - Applicant Information

Premises Address: 6131 Exchange St

Owner Name: 6131 Exchange LLC/Shawn O'Hearn

Phone:

Agent/Contact Name: N/A

Agent/Contact Phone: N/A

Section 2 - Building Inspection Only - Occupancy Verification

Requested Maximum Occupancy identified on application: _____

Does the application meeting the standard of not less than 150 square feet of floor space for the 1st occupancy thereof and at least an additional 100 square feet for every additional occupancy thereof. Floor space is determined by measures of each room. Floor space does not include kitchens, bathrooms, closets, garages or rooms not meeting the UDC requirements for occupancy.

- Yes - No

If no, what is the total square footage of floor space: _____

Number of **onsite off-street** parking spaces: _____

Number of Full Baths: _____ Number of $\frac{3}{4}$ Baths: _____ Number of $\frac{1}{2}$ Baths: _____

Section 3 - Fire Department Only - TRH Minimum Specification Verification

Does the application meet the following standards:	Yes	No
Functional smoke detectors and CO2 detectors in accordance with State law.		X
No accessible wood burning fireplace unless the owner provides a certificate from a licensed commercial building inspector, dated not more than 30 days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.	X	
No hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten feet of any structure.	X	

Section 4 - Inspection Information

An inspection of the above premises has disclosed the following:

Ord. Number	Code Section	Description of Violation
	11-361 (b) (2)	Missing smoke alarms in the bedrooms and CO alarm on basement and 2 nd floor
☐ - No Violations Observed (skip to Section 6)		☒ - Hold for Corrections (complete Section 5)

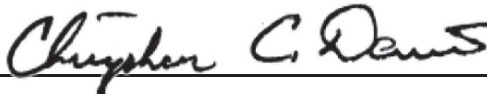
Section 5 - Use only if Corrections are Needed

Noncompliant Order No.	16385		
Date Corrections must be completed	12/05/2022		
Is reinspection required?	☒ - Yes ☐ - No		
If reinspection is required , provide contact information for applicant to use when ready to schedule.	fireprevention@mcfarland.wi.us 608.838-3278		
If reinspection is not required , what materials/documentation/proof of compliance should applicant submit.			
Signature		Date	11/21/2022

Section 6 - Determination – USE ONLY AFTER ALL VIOLATIONS ARE CORRECTED, IF APPLICABLE**RECOMMENDATION FROM:**

☒ - Fire Department ☐ - Community Development Department

☒ - Grant License ☐ - Refuse License

Signature		Date	12/1/2022
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MCFARLAND FIRE & RESCUE

INSPECTION REPORT

6131 EXCHANGE STREET, LLC, 6131 EXCHANGE ST, BLDG 6131 EXCHANGE STREET, LLC,
MCFARLAND WI 53558



DETAILS

Inspection Date: 11/21/2022 | Inspection Type: INSPECTION - Tourist Rooming House | Inspection Number: 16385 | Shift: N/A |
Station: McFarland Fire & Rescue | Unit: N/A | Lead Inspector: Scott Allain | Other Inspectors: Christopher Dennis

STATUS	CODE	DESCRIPTION
FAIL	VOM-Sec. 11-361. (b) (2) - TRH - Smoke & CO Alarms	Functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Wis. Admin. Code Ch. SPS 362; Inspector: Scott Allain - Comments: Add smoke detectors in bedrooms on main floor. Have dual CO/Smoke Detectors in third floor bedroom and basement.

REINSPECTION DATE

12/05/2022

CONTACT SIGNATURE

Shaun O'Hearn
Signed on: 11/21/2022 @ 13:12

INSPECTOR SIGNATURE

Scott Allain
Signed on: 11/21/2022 @ 13:13

QUESTIONS ABOUT YOUR INSPECTION?

Scott Allain
sallain@mcfarland.wi.us
No phone number available

MCFARLAND FIRE & RESCUE

INSPECTION REPORT

6131 EXCHANGE STREET, LLC - TOURIST ROOMING HOUSE, 6131 EXCHANGE ST, BLDG 6131
EXCHANGE STREET, LLC, MCFARLAND WI 53558



DETAILS

Inspection Date: 11/28/2022 | Inspection Type: INSPECTION - Tourist Rooming House | Inspection Number: 16394 | Shift: N/A |
Station: McFarland Fire & Rescue | Unit: N/A | Lead Inspector: Scott Allain | Other Inspectors: Christopher Dennis

VIOLATIONS

No Violations Found

NEXT INSPECTION DATE

11/21/2023

CONTACT SIGNATURE

Shaun O'Hearn
Signed on: 11/28/2022 @ 13:32

N/A

INSPECTOR SIGNATURE

Scott Allain
Signed on: 11/28/2022 @ 13:32

Scott Allain

QUESTIONS ABOUT YOUR INSPECTION?

Scott Allain
sallain@mcfarland.wi.us
No phone number available



Tourist Room House Inspection

Per Village of McFarland Code of Ordinances

License Type:

- ☒ - New Application
☐ - Renewal Application

Section 1 - Applicant Information

Premises Address: 6131 Exchange St

Owner Name: 6131 Exchange LLC/Shawn O'Hearn

Agent/Contact Name: N/A

Agent/Contact Phone: N/A

Section 2 - Building Inspection Only - Occupancy Verification

Requested Maximum Occupancy identified on application: 6

Does the application meeting the standard of not less than 150 square feet of floor space for the 1st occupancy thereof and at least an additional 100 square feet for every additional occupancy thereof. Floor space is determined by measures of each room. Floor space does not include kitchens, bathrooms, closets, garages or rooms not meeting the UDC requirements for occupancy.

☒ - Yes ☐ - No

If no, what is the total square footage of floor space: _____

Number of onsite off-street parking spaces: 3

Number of Full Baths: 1 Number of ¾ Baths: _____ Number of ½ Baths: _____

Section 3 - Fire Department Only - TRH Minimum Specification Verification

Does the application meet the following standards:	Yes	No
Functional smoke detectors and CO2 detectors in accordance with State law.		
No accessible wood burning fireplace unless the owner provides a certificate from a licensed commercial building inspector, dated not more than 30 days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.		
No hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten feet of any structure.		

Section 4 - Inspection Information

An inspection of the above premises has disclosed the following:

Ord. Number	Code Section	Description of Violation
		GFCT outlet in bathroom and 1 in kitchen not functioning.
		OK 11.28.22
☐ - No Violations Observed (skip to Section 6)		☐ - Hold for Corrections (complete Section 5)

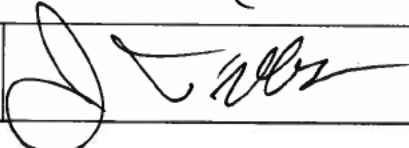
Section 5 - Use only if Corrections are Needed

Noncompliant Order No.	
Date Corrections must be completed	
Is reinspection required?	☐ - Yes ☐ - No
If reinspection is required , provide contact information for applicant to use when ready to schedule.	
If reinspection is not required , what materials/documentation/proof of compliance should applicant submit.	
Signature	Date

Section 6 - Determination - USE ONLY AFTER ALL VIOLATIONS ARE CORRECTED, IF APPLICABLE**RECOMMENDATION FROM:**

☐ - Fire Department ☒ - Community Development Department

☒ Grant License ☐ - Refuse License

Signature	Date
	11.28.22

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Monday, December 5, 2022

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Deputy Administrator/Clerk, Aaron Chapin, Police Chief

AGENDA ITEM: Discussion and recommendation on Ordinance 2022-12: An Ordinance amending the Municipal Code concerning provisional retail alcohol beverage licenses and the approval process of alcohol license renewals.

PREVIOUS ACTION:

ISSUE SUMMARY:

Staff has worked with the Village Attorney to amend the current alcohol beverage licensing ordinance for the following:

1. *Creation of a process for the issuance of provisional alcohol beverage licenses.*

- **Current Process** - Currently, applicants submit required forms and applications for alcohol beverage licensing. The Chief of Police then reviews the license, runs background checks on all officers and agents, and makes a recommendation to the Public Safety Committee. The Public Safety Committee then reviews that application and makes a recommendation to the Village Board. The Village Board then takes official action on whether or not to grant the official license. Depending on Committee and Board schedule, this process can take weeks to a month to complete.
- **Proposed Language regarding Provisional Licenses** - for the most part the current process works well, except for cases in which unforeseen circumstances cause the sale of a licensed establishment, or the need to change an entity, etc. We have experienced issues where this has happened over the last couple of years which included quick sale of properties, death to the license holder, etc.

State Law allows municipalities the authority to enact an ordinance allowing for the Clerk to issue provisional licensing that are good for 60 days while they are completing the formal process. With the proposed ordinance amendment, the Chief of Police would run all of the same background checks and make a recommendation accordingly. If the Chief of Police recommends approval, the Clerk can issue a provisional ballot while the full license process plays out.

2. *Section 11-58 has been reorganized.* The ordinance as currently written is a bit confusing and does not chronologically follow the process.



FINANCIAL/BUDGET IMPACT:

Minor Additional Permitting Revenue.

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

N/A

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Staff recommends approval of Ordinance 2022-12.

Motion to recommend approval of Ordinance 2022-12: An Ordinance amending the Municipal Code concerning provisional retail alcohol beverage licenses and the approval process of alcohol license renewals

ATTACHMENTS:

1. 2022-12 Provisional & Alcohol Lic. Updates

ORDINANCE 2022-XX

AN ORDINANCE AMENDING THE MUNICIPAL CODE CONCERNING PROVISIONAL RETAIL ALCOHOL BEVERAGE LICENSES AND RENEWALS OF RETAIL ALCOHOL BEVERAGE LICENSES

Purpose: To amend the Municipal Code to address renewals of retail alcohol beverage licenses and the issuance of provisional retail alcohol beverage licenses and to set fees for the same.

Sponsor: Village Clerk-Treasurer Cassandra Suettinger

Recommended Referral: Public Safety Committee

Public Hearing: Not Required

WHEREAS, the Village of McFarland adopts state law concerning alcohol beverage licenses and municipalities are to issue provisional retail licenses when appropriate; and

WHEREAS, Village staff recommends amending the Municipal Code to address the process in which provisional licenses are issued and to provide an option for the Village-Clerk treasurer to forward applications for renewals for alcohol beverage licenses when appropriate; and

WHEREAS, the Village Board finds that amending the Municipal Code to provide a process in which provisional retail licenses are issued and to set fees for the same is in the public interest, and that amending the Municipal Code to provide an alternate procedure for renewals of alcohol beverage licenses is also in the public interest.

NOW, THEREFORE, the Village Board of the Village of McFarland, does ordain as follows:

1. Section 11-51 of the McFarland Municipal Code is created to read as follows:

Sec. 11-51. Provisional Retail Licenses.

- (a) A provisional retail Class "A", Class "B", "Class A", "Class B", or "Class C" license shall be issued by the Village Clerk-Treasurer upon application for the same and payment of the fee for a provisional retail license set forth in Appendix A, upon the applicant meeting the following requirements:

- (1) The applicant has filed with the Village a complete application for a retail alcohol beverage license for the same class of license as the provisional retail license sought by the applicant.
 - (2) The applicant meets the requirements for issuance of the retail alcohol beverage license, as determined by the Chief of Police.
- (b) If the Chief of Police recommends denial of the provisional retail license, the application shall be forwarded to the Public Safety Committee for consideration, pursuant to Section 11-58. The Public Safety Committee may deny or approve the issuance of the provisional retail license, and if approved, the Village Clerk-Treasurer shall issue the provisional retail license accordingly.
 - (c) A provisional retail license expires within 60 days of issuance, or when the retail alcohol beverage license is issued to the holder, whichever occurs sooner. In addition, a provisional retail license expires upon the Village Board denying the application for the retail alcohol beverage license.
 - (d) The Village Clerk-Treasurer may revoke the provisional retail license if he or she discovers that the holder of the license made a false statement on the application for the retail alcohol beverage license or the provisional retail license.
 - (e) No person may hold more than one provisional retail license for each type of license applied for by the holder per year.
 - (f) All provisional retail licenses are subject to conditions set forth under Section 11-64. In addition, the Public Safety Committee may impose additional conditions and restrictions on a provisional retail license, as may be recommended by the Chief of Police, related to health, safety and the public interest.

2. Subsection 11-58 of the McFarland Municipal Code is amended to read as follows:

Sec. 11-58. Investigation; approval of application.

- (a) Every application for a new license or renewal of a license shall be reviewed by the Chief of Police, Fire Inspector and Building Inspector, and these officials shall inspect or cause to be inspected the proposed licensed premises and shall report on whether the premises complies with applicable laws, regulations and ordinances. No license shall be renewed without a re-inspection of the premises. Each official shall provide a report of his or her inspection findings to the Village-Clerk Treasurer.
- (b) The Chief of Police shall investigate the background of every license applicant to determine the applicant's fitness to hold such license, and the Chief shall report his or her findings to the Village Clerk-Treasurer, along with recommendations as to whether the license should be issued or renewed. The Chief of Police shall maintain records of all incidents related to a licensed premises, and whether there was actual prosecution and/or conviction for the incident, and shall include this history with any recommendation for denial of the license.

- (c) For new licenses in which the inspecting officials recommend approval of the application, the matter will be referred to the Public Safety Committee for review and recommendation to the Village Board. For renewal of licenses in which the inspecting officials recommend renewal of the license, the Village Clerk-Treasurer may refer the application for renewal directly to the Village Board for approval instead of the Public Safety Committee.
- (d) If any inspecting official recommends denial of a new license, the Village Clerk-Treasurer shall notify the applicant of the recommendation and that the application will be considered by the Public Safety Committee. The notice shall set forth the basis of the recommendation and shall inform the applicant of the opportunity to appear before the Public Safety Committee to provide evidence as to why the application should be approved. At the conclusion of the meeting, the Public Safety Committee shall make a recommendation to the Village Board on whether the license should be granted.
- (e) If there is a recommendation for non-renewal of a license, the procedure under Section 11-67(d) shall be followed, including notice to the applicant and a right to a hearing.
- (f) In determining whether to grant such license, consideration shall be given to the arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322 and 111.335 and Wis. Stats. § 125.12(1)(b); financial responsibility of the applicant, the appropriateness of the location and premises where such licensed business is to be conducted, and generally the applicant's fitness for the trust to be reposed. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses that are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board, and the Public Safety Committee in making its recommendation, reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license.
- (g) If the Village Board denies the license, the applicant shall be notified in writing, by certified mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and to provide evidence as to why the denial should be reversed. Such written notice shall be mailed or served upon the applicant at least ten days prior to the Village Board meeting at which the application is to be reconsidered. If, upon reconsideration, the Village Board again denies the application, the Village Clerk-Treasurer shall notify the applicant in writing of the reasons therefor. An applicant who is denied any license upon reconsideration of the matter may apply to Circuit Court pursuant to Wis. Stats. § 125.12(2)(d), for review.

3. Appendix A of the McFarland Municipal Code under Alcohol Beverages is amended

to include the follow license fee:

11-51

Provisional retail license

\$15.00

All other fees in Appendix A not modified by this amendment remain the same.

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the _____ day of _____, 2022.

APPROVED:

Carolyn Clow, Village President

ATTEST:

Cassandra Suettinger, Village Clerk-
Treasurer

ORDINANCE 2022 –	
MOTION	SECOND
ACTION	DATE
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Brandt -	Jerke -
Brassington -	Nelson -
Clow -	Wreh -
Flaherty -	
VOTING RESULTS	
Motion Carried	
Motion Defeated:	